

1 Leslie Humphrey,

2 Plaintiff,

3 v.

4 Colorado Bankers Life Insurance Company,
5 et al.,

6 Defendant.

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8 No. CV08-02559 EMC9
10 **CASE MANAGEMENT AND PRETRIAL
11 ORDER FOR JURY TRIAL**12
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17 Following the Case Management Conference held on **8/27/2008**, IT IS HEREBY ORDERED

18 THAT:

19 A further case management conference is set for **12/17/2008 at 2:30 p.m.** before Magistrate
20 Judge Chen in Courtroom C, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San
21 Francisco, California. Updated joint case management conference statement is due **12/12/2008**.22 Pursuant to Fed.R.Civ.P. 16, IT IS FURTHER ORDERED THAT the following case
23 management and pretrial order is entered:24 1. **TRIAL DATE**25 a. Jury trial will begin on **8/24/2009 at 8:30 a.m. in Courtroom C**, 15th Floor, 450
26 Golden Gate, San Francisco, CA 94102.27 b. The length of the trial will be not more than **5 days**. Court hours for trial are 8:30
28 a.m. to 1:30 p.m. Wednesdays are reserved for law and motion and other matters.

1 2. **DISCOVERY**

2 a. All non-expert discovery shall be completed by **8/4/2009**.

3 b. Depositions:

4 c. Each side shall be limited to **(2) depositions**, early disclosures, and narrowly tailored

5 written discovery prior to completion of mediation. Further discovery to be discussed at the next status

6 conference should the case not settle at mediation.

7 d. Experts shall be disclosed and reports provided by plaintiff and defendant by **8/4/2009**.

8 e. Rebuttal experts shall be disclosed and reports provided by **5/26/2009**.

9 f. All discovery from experts shall be completed by **4/21/2009**.

10 g. Pursuant to Civil L.R. 37-1(b), telephone conferences are available to resolve

11 disputes during a discovery event, such as a deposition, where the resolution during the event likely

12 would result in substantial savings of expense or time.

13 3. **MOTIONS**

14 The last day for hearing dispositive motions shall be **4/7/2009**. Dispositive motions shall be

15 served and filed no later than thirty-five (35) days prior to the scheduled hearing date. Any

16 opposition shall be served and filed no later than twenty-one (21) days prior to the hearing date.

17 Any reply to the opposition shall be served and filed no later than fourteen (14) days prior to the date

18 of the hearing.

19 4. **ALTERNATIVE DISPUTE RESOLUTION/SETTLEMENT CONFERENCE**

20 The parties have stipulated to Private ADR. ADR to be completed by **12/31/2008**.

21 5. **PRETRIAL CONFERENCE**

22 a. A pretrial conference shall be held on **4/7/2009 at 3:00 p.m.** in Courtroom C, 15th

23 Floor. Lead counsel who will try the case (or the party *if pro se*) must attend. The timing of

24 disclosures required by Federal Rule of Civil Procedure 26(a)(3) and other pretrial disclosures shall

25 be governed by this order.

26 b. **6/9/2009**, thirty (30) days prior to the date of the pretrial conference, lead counsel

27 shall meet and confer regarding:

28 (1) Preparation and content of the joint pretrial conference statement;

Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions.

(d) *Trial Preparation.*

- (i) Witnesses to Be Called. With regard to witnesses disclosed pursuant to Federal Civil Rule of Civil Procedure 26(a)(3)(A), a brief statement describing the substance of the testimony to be given.
- (ii) Estimate of Trial Time. An estimate of the number of hours needed for the presentation of each party's case, indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.
- (iii) Use of Discovery Responses. Designate excerpts from discovery that the parties intend to present at trial, other than solely for impeachment or rebuttal, from depositions specifying the witness page and line references, from interrogatory answers, or from responses to requests for admission.

(e) *Trial Alternatives and Options.*

- (i) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.
- (ii) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.

(f) *Miscellaneous.*

1 Any other subjects relevant to the trial of the action or material to its
2 just, speedy and inexpensive determination.

3 (2) Serve and file trial briefs, motions in limine (including any motion regarding
4 the qualifications or testimony or any expert witness), proposed voir dire
5 questions, jury instructions, verdict forms and excerpts from discovery that
6 will be offered at trial (include a copy of the deposition testimony or
7 admission). The parties shall submit proposed jury instructions jointly. If
8 there are any instructions on which the parties cannot agree, those instructions
9 may be submitted separately;

10 (3) Serve and file an exhibit setting forth the qualifications and experience for
11 each expert witness;

12 (4) Serve and file a list of each party's exhibits by number (plaintiff) or letter
13 (defendant), including a brief statement describing the substance and purpose
14 of each exhibit and the name of the sponsoring witness;

15 (5) Exchange exhibits which shall be premarked (plaintiff shall use numbers;
16 defendant shall use letters) and tabbed; and

17 (6) Deliver two sets of all premarked exhibits to chambers (exhibits are not to be
18 filed).

19 No party shall be permitted to call any witness or offer any exhibit in its case in chief that is
20 not disclosed in its pretrial statement without leave of the Court and for good cause.

21 d. **6/23/2009**, ten (10) days prior to the pretrial conference, after meeting and conferring
22 in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file: (1) any
23 objections to exhibits or to use of deposition excerpts or other discovery; (2) any objections to
24 witnesses, including the qualifications of an expert witness; (3) any objection to proposed voir dire
25 questions, jury instructions and verdict forms that the parties have been unable in good faith to
26 resolve; (4) any opposition to a motion in limine. No replies shall be filed.

27 e. All motions in limine and objections shall be heard at the pretrial conference.

28 6. **JURY TRIAL**

1 a. The attached voir dire questionnaire shall be given to the venire members to be
2 answered orally in Court. Counsel shall submit an agreed upon set of additional voir dire questions
3 to be posed by the Court. Any voir dire questions on which counsel cannot agree may be submitted
4 separately. Counsel shall be allowed brief follow-up voir dire after the Court's questioning.

5 b. The following jury instructions from the Manual of Model Civil Jury Instructions for
6 the Ninth Circuit (1997 Edition) shall be given absent objection: 1.01 - 1.12, 2.01 - 2.02, 3.01 -
7 3.03, 3.05 - 3.08. Counsel shall submit jointly an agreed upon set of case specific instructions, using
8 the Ninth Circuit Manual where appropriate. Do not submit duplicates of those listed above. Any
9 instructions on which counsel cannot agree may be submitted separately. Each requested instruction
10 shall be typed in full on a separate page with citations to the authority upon which it is based and a
11 reference to the party submitting it. A second blind copy of each instruction and verdict form shall
12 also be submitted omitting the citation to authority and the reference to the submitting party.

13 7. All documents filed with the Clerk of the Court shall list the civil case number followed by
14 the initials "EMC". One copy shall be clearly marked as a chambers copy. Chambers' copies shall
15 be three-hole punched at the left side, suitable for insertion into standard binders. In additions, all
16 proposed jury instructions, motions in limine, forms of verdict and trial briefs shall be accompanied
17 by diskette containing a copy of the document formatted in WordPerfect 6.1 (Windows) or 8.0
18 (Windows).

Dated: August 28, 2008



EDWARD M. CHEN
United States Magistrate Judge

JUROR QUESTIONNAIRE

Please stand and recite the information listed below.

1. Your name:
2. a. Juror Number
3. 2. City in which you reside:
 6. a. How long have you lived there?
 7. b. If less than 5 years, where did you live before?
8. 3. Your marital status
(single, married, separated, divorced, widowed)
10. 4. If you are married, please list your spouse's name and occupation.
11. 5. If you have children, their ages and (for adult children) their occupations.
12. 6. What is your current occupation and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).
14. 7. Who is (or was) your employer?
 15. a. What are your primary job duties?
 16. b. Do you supervise or manage other people?
 17. c. How long have you worked for this employer?
18. 8. If you have ever worked in any different occupation than you current occupation, please describe.
20. 9. Please describe your educational background.
Highest grade completed:
College and/or vocational schools you have attended:
Major areas of study:
24. 10. Please describe any other special skills or training that you have.
25. 11. Have you ever served in the military? If so, what branch?
What was your highest rank achieved?
26. 12. Do you belong to any organizations? (Please list)
28. 13. What do you do in your spare time? Do you have any hobbies?
14. 14. Please review the attached list of names. Do you know any of the people or entities on the list? If yes, please state whom you know and how.